

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY *[Signature]* D.C.
05 SEP 30 PM 8:53

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICHOLAS MARTIN,

Defendant.

No. 04cr10095-001-T

UNITED STATES' MOTION FOR RE-SETTING

COMES NOW the United States of America, by and through Lawrence Laurenzi, Acting United States Attorney, and James W. Powell, Assistant United States Attorney for the Western District of Tennessee, and moves this Honorable Court as follows:

The defendant currently has a court setting date of Tuesday November 8, 2005 for a sentencing hearing. Counsel for the United States Attorney's Office responsible for the prosecution of this case will be on annual leave the week this case is set.

Movant has discussed the filing of this motion and rescheduling of this matter to another date with Ms. Dianne Smothers, Counsel for the defendant, and we request the defendant's referenced court appearance be continued to Monday, November 14, 2005 for the ground set forth above.

WHEREFORE, the government respectfully requests that the defendant's court date be reset from the current date set of November 8 to November 14, 2005.

FILED BY *[Signature]* D.C.

05 OCT -3 AM 11:03

HOWARD M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, JACKSON

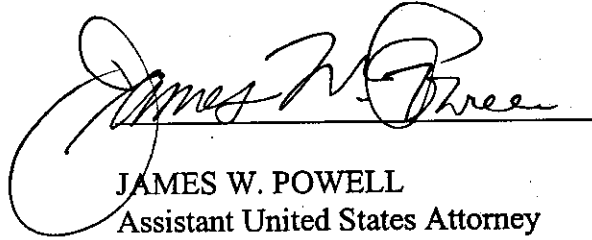
MOTION GRANTED
DATE: 3 OCT 2005

[Signature]
James D. Todd

This document entered on the docket sheet in compliance with Rule 55 and/or 32(b) FRCP on 10-04-05 District Judge

Respectfully submitted,

LAWRENCE LAURENZI
Acting United States Attorney

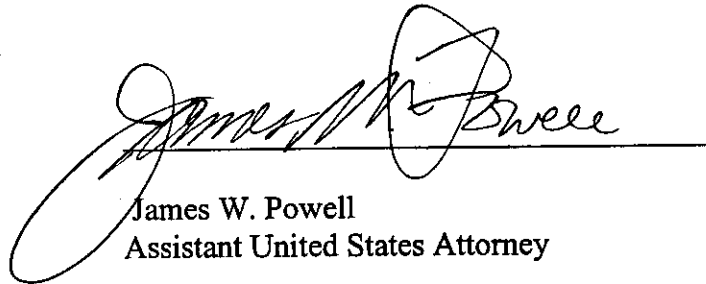
A handwritten signature in dark ink, appearing to read "James W. Powell", is written over a horizontal line.

JAMES W. POWELL
Assistant United States Attorney
109 South Highland Avenue, Suite 300
Jackson, Tennessee 38301
(731) 422-6220
Tennessee Bar No. 9614

CERTIFICATE OF SERVICE

I, James W. Powell, Assistant U.S. Attorney for the Western District of Tennessee, do hereby certify that I have this date delivered a true and exact copy of the foregoing to counsel for the defendant, Ms. M. Dianne Smothers, at her address of record, 109 South Highland Avenue, Suite B8, Jackson, Tennessee.

This 30th day of September 2005.

A handwritten signature in dark ink, appearing to read "James W. Powell", is written over a horizontal line.

James W. Powell
Assistant United States Attorney



Notice of Distribution

This notice confirms a copy of the document docketed as number 27 in case 1:04-CR-10095 was distributed by fax, mail, or direct printing on October 4, 2005 to the parties listed.

M. Dianne Smothers
FEDERAL PUBLIC DEFENDER
109 S. Highland Ave.
Ste. B-8
Jackson, TN 38301

James W. Powell
U.S. ATTORNEY'S OFFICE
109 S. Highland Ave.
Ste. 300
Jackson, TN 38301

Honorable James Todd
US DISTRICT COURT